

PLANNING APPLICATION REPORT

Case Officer: Wendy Ormsby

Parish: Brixton **Ward:** Wembury and Brixton

Application No: 3884/16/FUL

Agent/Applicant:

Mr JASON REYNOLDS
The Old Brewery
Lodway
Pill, Bristol
BS20 0DH

Applicant:

Mr IAN ROACH
Owlsfoot Business Centre
Sticklepath
Okehampton
EX20 2PA

Site Address: Land At Sx 553 524, West of Stamps Hill, Brixton, Devon

Development: Erection of 64no. residential dwellings, associated roads, drainage, landscape, garages and parking

Recommendation: Refusal

Reasons for refusal

1. The proposed development in the countryside will result in a significant extension and expansion of the village of Brixton which already has sites coming forward providing significant amounts of new housing that exceed the housing needs of the Parish. The proposed development will add substantially to the cumulative impact of new development in the village that delivered as unplanned development in a short time frame will adversely impact on the social wellbeing and character of the village. As such the proposed development is not sustainable and is contrary to principles of the NPPF, in particular paragraphs 7, 14, 17 and 55 and is contrary to Policies CS1 and DP15 of the South Hams Local Development Framework and Policies SPT1, SPT2 and TTV30 and TTV31 of the emerging Plymouth and South West Devon Joint Local Plan.
2. The proposed development cannot provide safe pedestrian access for all users from the site to the village facilities and as such is not sustainable. The development is contrary to the principles of the NPPF in particular para 32 and is contrary to Policy DP7 of the South Hams Local Development Framework and Policies SPT1, DEV10 and DEV31 of the emerging Plymouth and South West Devon Joint Local Plan.
3. The proposed development would be likely to result in a junction which does not provide adequate visibility from and of emerging vehicles, contrary to paragraph 32 of the National Planning Policy Framework.
4. The proposed roofing materials are out of character with the area and will adversely impact on the visual amenity of the area. As such the proposed development is contrary to the NPPF, in particular paragraphs 56 and 59 and is contrary to Policies CS7 and DP1 of the South Hams local Development Framework and Policies SPT1, SPT2 and DEV10 of the emerging Plymouth and South West Devon Joint Local Plan.
5. The site lies within 250m of a local composting facility. Insufficient information has been submitted to demonstrate that the effect of the emissions from the neighbouring waste facility are fully understood and that any impacts identified can be controlled to acceptable levels through appropriate mitigation measures. As such the proposed development is contrary to the National Planning Policy Framework in particular

paragraph 17 and is contrary to Policy DEV2 of the emerging Plymouth and South West Devon Joint Local Plan.

Key issues for consideration:

The site lies outside of but adjacent to the settlement boundary. The site would be an extension to the village of Brixton which has had a high number of permissions for residential development granted in recent years and which is very close to the large urban development of Sherford.

South Hams District Council can demonstrate a five year housing land supply however its adopted housing supply policies are out of date. In such a situation, in accordance with paragraph 14 of the National Planning Policy Framework (NPPF) it is necessary to consider if any adverse impacts of granting permission for this development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or if specific policies in the NPPF indicate development should be restricted.

In making this assessment key issues will relate to social impacts of the development on the village, highway impact, sustainability of location with particular regard to pedestrian access, ecological impact and impact on residential amenity.

Financial Implications (Potential New Homes Bonus for major applications):

It is estimated that this development has the potential to attract New Homes Bonus of approximately £75,968 per annum.

The Government is implementing reforms to the New Homes Bonus scheme and the length of NHB payments will be reduced from 6 years to 5 years in 2017/18 and 4 years from 2018-19 onwards.

Members are advised that this is provided on an information basis only and is not a material planning consideration in the determination of this application.

Site Description:

The site is an arable field of approx. 2.29 hectares located to the north of the village of Brixton, immediately north of dwellings at Cherry Tree Drive.

The site is bounded by mature hedgerows and trees. Agricultural land lies to the west, allotments adjoin the northern boundary, Stamps Hill lies to the east with housing on the opposite side of the road. Residential rear gardens adjoin the southern boundary and the boundary treatments vary with some more open than others.

The land slopes downwards from south west to north east. There is an existing field access from Stamps Hill in the north east corner of the site.

The site is outside of but adjoins the Development Boundary; it is not in a designated landscape area. The South Devon AONB lies approx. 200m south of the site, the boundary being the A379

Brixton is a historic village centred on the A379. The nearest listed buildings are St Marys Church to the south, Brixton House to the south west and cottages immediately north of St Marys Church. The village has bus links on the A379, a pub, primary school, restaurants and a village shop and post office.

Public Footpath No 9 runs north west to south east across the adjacent field and passes close to the south west corner of the application site, it continues through the village linking to the A379. This is part of the Erme–Plym Trail.

The Proposal:

The application seeks full planning permission for the construction of 64 dwellings. Heads of Terms submitted with the application indicate that the development would deliver the following to be secured through a Section 106 agreement:

- 50% affordable housing
- Open space management and maintenance in accordance with a LEMP
- £177,476 towards Primary School Infrastructure
- £170,983 towards Secondary School infrastructure
- £13,000 for early years education provision
- £1,112.73 for Plymouth Sound and Estuaries SAC mitigation
- £51,490 towards play facilities within Brixton
- £80,622.50 towards lighting at Horsham Playing Fields, Brixton

The site will be served by one vehicular access point towards the north east corner of the site and taken from Stamps Hill. A public right of way runs past the south-west corner of the site, Footpath 9; this route runs south east into the village linking to the A379, in parts it is narrow and contains steep steps. The application proposes to create an opening in the field boundary in this corner of the site to allow use of the footpath. It is also suggested that residents could also travel north-west along this footpath to link into a permissive footpath that has yet to be provided but which is required to be provided as part of a residential development at Canes Orchard, a nearby residential development. This permissive path will link into the Canes Orchard site which then links through to the A379 via a shared surface road and a footpath link (with steps). This permissive path will not be surfaced or lit and intended only to provide additional permeability from and to the Canes Orchard site to this recreational route (The Erme Plym Trail).

The layout proposes a development of housing comprising mainly two storey dwellings but including two blocks of 1 bed apartments. In total the scheme will deliver

12 x 1 bed flats (all affordable rent)
15 x 2 bed houses (7 affordable rent and 5 intermediate housing)
25 x 3 bed houses (4 affordable rent and 4 intermediate housing)
12 x 4 bed houses

Parking is provided on the basis of 1 space per 1 bed unit and a minimum of 2 spaces for all other units. The majority of the plots provide tandem parking arrangements.

A variety of house types are proposed, typical of current modern housing styles and are a mix of detached, semi-detached and terraces with 2 blocks of 6 x 1bed flats.

The materials palette includes white and coloured render or natural stone elevations, slate effect tiles for the roofs with UPVC fascias, rainwater goods and windows. 20 of the buildings will be split level and the remainder two storey, with single storey garages. Plots 53 to 60 are 2.5 storey at their rear elevation and have a ridge line higher than the bungalows on Cherry Tree Drive to the south.

Plots 36 to 29 have small front gardens with some tree planting; otherwise the houses are set close to the road edge. The Design and Access Statement refers to a provision of 0.30 ha of open space within the site; the scheme has since been amended to include the north south footpath link within the site which includes greenspace either side of the footpath. A Trim Trail originally proposed adjacent the southern boundary has been omitted from the scheme following comments about impact on residential amenity of neighbours and the appropriateness of the location of this facility aimed at the older generation.

The only parcel of open space that might have had a useful function as useable open space is proposed as a drainage detention basin with the intention of adoption by SWW. Otherwise greenspace is limited to strips of land along the southern and northern site boundaries

A footpath link allows access from the north west of the site to the south west corner.

A landscaping scheme is submitted showing proposed tree and hedgerow planting within the site.

Consultations:

- County Highways Authority: Objection for the following reasons:
 1. The proposed development is likely to generate an increase in pedestrian traffic on a highway lacking adequate footways with consequent additional danger to all users of the road contrary to paragraph 32 of the National Planning Policy Framework.
 2. The proposed development would be likely to result in a junction which does not provide adequate visibility from and of emerging vehicles, contrary to paragraph 32 of the National Planning Policy Framework.
- Environmental Health Section: No objection subject to a condition requiring the provision of electric charging points for each car space, restriction on gas boiler standards, CEMP, unsuspected contamination condition.
- Devon County Flood Risk: No in principle objection subject to pre-commencement conditions
- Devon County Education: Both the primary school and secondary school are at capacity and therefore Devon County Council will seek a contribution towards provision of both primary and secondary school infrastructure with regard to the proposed development. The Primary contribution request is £177,476 (based on the current DfE extension rate of £13,652 for Devon) and the Secondary education contribution is £170,983 (based on the current DfE extension rate of £21,921 for Devon)

In addition, a contribution towards Early Years provision is needed ensure delivery of provision for 2, 3 and 4 year olds. This would cost £13,000 (based on £250 per dwelling). This will be used to provide early years provision for pupils likely to be generated by the proposed development.

- Natural England: No objection subject to the proposed financial contribution to the Plymouth Sound and Estuaries SAC as mitigation for the potential recreational disturbance.
- SWW: No objection
- SHDC Landscape: No objection subject to conditions
- DCC Archaeology: No comments to make
- Environment Agency: Object: The site is within 250m of a local composting facility. Insufficient information has been submitted to demonstrate that the effect of the emissions from the neighbouring waste facility are fully understood and that any impacts identified can be controlled to acceptable levels through appropriate mitigation measures
- Affordable Housing: 50% affordable housing is policy compliant, with 70/30 rent/intermediate housing split.
- Police AOL: Detailed comments provided including the following:

Some concern over pedestrian link into village and its suitability for all users. Increase in use could have a negative impact on existing residents due to an increased fear of crime or as a result of noise and nuisance levels;

Lack of surveillance of plots 8, 9 and 17 makes them susceptible to cold callers/criminal activity;

Open space to side of plots 18 to 21 should be made inaccessible to the public as it could attract antisocial behaviour;

No provision for young people who need somewhere nearby to socialise with friends, suggest 106 contributions be used to address this.

- DCC Public Rights of Way: Could the applicant please clarify how the connection is to be effected and whether they have the consent of the adjoining landowner, over whose land the footpath, and proposed connection, runs.

We have no objection in principle to the proposal but would point out that Footpath No 9 is narrow and steep in places. It would not be suitable for users with reduced mobility, including those with pushchairs, wishing to access the village centre from the proposed development site.

- SHDC Ecology: No objection subject to conditions to require:

- Prior to commencement submission of a LEMP incorporating section 7 of the Ecological Appraisal.

- No works should commence until the LPA has been provided with a copy of the licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorising the works to go ahead, or confirmation from Natural England or a suitably qualified ecologist that a dormouse licence is not required.
- Prior to commencement submission of a lighting plan showing no more than 0.5LUX at the western boundary.
- No external lighting to be erected on properties on the western boundary.

S106 clauses:

- A contribution of £1,112.73 be sought towards mitigating recreational pressures caused by the development on the Yealm Estuary area of the Plymouth Sound and Estuaries Special Area of Conservation.

- SHDC OSSR: No objection subject to the following s106 clauses

- £51,490 towards new and improved play facilities offsite within Brixton, or agreement of a suitable onsite play scheme up to this value with SHDC, and Brixton Parish Council
- £80,622.5 should be secured towards improvements to the lighting at Horsham Playing Fields, Brixton and/or improvements to the football pitch at Frankfort Park, Brixton and/or access improvements to these named facilities.
- Ongoing management and maintenance of the public open space in accordance with a LEMP
- Access to the public open space in perpetuity

The officer also commented as follows: I do not support the current proposal for a Trim Trail, and effectively 'object' to this component, and there are other concerns outlined above (e.g. rear of 18-21) and poor functionality of open space – I would strongly suggest these are addressed before determination by the applicant.

- Parish Council

Brixton Parish Council objects to this planning application for the following reasons (all of which have equal importance)

1. Summary of objections:

1. The application is contrary to, and conflicts with a number of core principles and policies set out in the National Planning Policy Framework (NPPF).

2. The application is not in accordance with the South Hams Local Plan (SHLP) – LDF Dev 15. *'Within the South Hams there is considerable pressure for new development in the countryside. Some proposals in the countryside can lead to unsustainable development which, individually and cumulatively, change its rural character. In order to protect the quality and character of the countryside it is essential to prevent inappropriate development.'*

3. The application is not in accordance with the emerging Plymouth and South West Devon Joint Local Plan (JLP) 2014-2034, specifically Policies – SO10, TTV30 Figure 5.8, TTV31, DEV1, DEV24, DEV25, DEV30, and DEV32.

4. The application is not in accordance with the emerging Brixton Neighbourhood Plan 2014 - 2034, specifically Policies – Dev2. *Location, scale and character of development.*

(a). Within the settlement boundary the scale, density and character of development shall be in keeping with its site and surroundings and shall cause no adverse impacts on natural or historic assets, important views or skylines, local amenity, traffic, parking or safety.

b). Elsewhere in the parish development will be strictly controlled and only permitted where it can be delivered sustainably and requires a countryside location, or secures a viable long-term future for a valued local asset which would otherwise be lost, or will meet an essential local need which could not otherwise be met.

5. The application does not meet the sustainability criteria as established by the Feniton Appeals (APP/U1105/A/132191905) where the Inspector found that “substantially increasing the number of residences in a settlement without proportionate increases in the provision of local shops, infrastructure, employment opportunities and other local services risks eroding community cohesion” (para 87).

6. There are major safety issues with pedestrian and vehicular access.

7. There are not sufficient material considerations in favour of the development so as to outweigh the provisions of the Development Plan particularly in terms of restricting development in the countryside.

8. The adverse impacts of permitting these proposed developments would significantly and demonstrably outweigh the benefits.

9. There is a serious fear in the community that medium density urban housing of a ubiquitous and monotonous mass as proposed in this application develops a model which will erode the character of Brixton as a rural village.

2. Negative impact on the identity of the village of further housing development in Brixton

2.1 Very serious concerns continue to be expressed by the whole community about the destructive impact of any further housing development in and around Brixton village. The village of Brixton, gateway to the South Hams, is centred on the Church, a shop with a part time Post Office, a pub and a primary school. The village has a strong sense of identity based on its history and significance as a rural community where change has been incorporated incrementally over the years. Gradual development and change reflecting the needs of the community over time has given the village distinctiveness and character and for its residents an appreciation of Brixton as a special place.

2.2 This application relates to land at Stamps Hill which is outside the village development boundary. The land has no natural connectivity to the village and its community. It is part of the agricultural heritage and landscape of the village and parish and is being used for arable farming. If approved this application to build 64 homes would increase the total number of houses built or with planning permission in the Brixton Parish since 2014 to 185. In 2009 following consultation by the Princes Trust South Hams District Council as part of the Local Development Plan agreed that 50 new houses should be built in Brixton village. The chosen site was land at Venn Farm. Since that time the number of houses on the now Canes

Orchard development has increased to potentially 115 (subject to outline planning permission for circa 29 houses in Phase 3 of Canes Orchard and a recent application for 25 over 55's bungalows on the same site). This proposed further 64 homes will destroy the character of the village community.

2.3 A further 32 new homes have been built in and around the village or have planning approval as part of infill or change of use. Canes Orchard will potentially provide the village with an urban estate of 90 homes impacting on the identity and the integrity of Brixton as a village in a rural and farming community located in the South Devon Area of Outstanding Natural Beauty. The Plymouth and South West Devon Joint Local Plan 2014 - 2034 (JLP) currently out for consultation has identified that 10 houses are needed in Brixton in the lifetime of the plan - 20 years. A previous Officer's Report (App. Ref. 1825/16/OPA – Canes Orchard) suggested that this indicative figure of 10 dwellings was a minimum figure and not to be regarded as a ceiling, although there is no clear basis for this particular interpretation of housing need. Given that since 2014 211 houses have been built, have planning permission or are in the process of obtaining planning permission the need for this amount of houses has already been met and exceeded in the parish.

2.4 Furthermore, it should be noted that although previous Officer's Reports have found Brixton to be a "sustainable location" for residential development, it does not follow that any and all further residential development must necessarily be sustainable development" is not simply a matter of location, but involves a wide variety of other considerations.

2.5 The capacity of any individual settlement to absorb residential development is clearly subject to constraints and that capacity cannot, in any event, be regarded as limitless. Any objective consideration of this current development proposal must take into consideration the cumulative impact of this proposal together with those residential developments already permitted. The effect of those permissions when taken together with this current application would be to increase the adverse impacts of this proposal in both a significant and demonstrable manner, in terms of overall sustainability, adverse transport effects, increased journeys by private car, social inclusion and overdevelopment of the settlement.

2.6 The consideration of the location of residential development, the imposition of specific numerical limits and such matters as objectively assessed housing need are all matters that will be considered at the Examination in Public, which is the proper forum for such analysis, and this process should not be usurped by speculative and opportunistic development proposals seeking to take advantage of the 5 year housing land supply situation.

2.7 The emerging JLP now that the Regulation 19 Consultation phase has been completed, will be subject to an Examination in Public (EiP) this Autumn, and the Councils hope that the new JLP will be adopted relatively shortly thereafter. As such, the JLP may be regarded as at an advanced stage and consequently afforded significant weight in the assessment of this application.

2.8 Brixton village has a very limited range of local facilities. The Post Office opening hours are restricted during the week and there is no Saturday opening. There is a limited and unreliable bus service and no bus service on Sundays. The occupiers of houses in this proposed development would most likely travel out of Brixton for employment, schools, leisure and major shopping purposes.

2.9 Siting a new housing development where such facilities are not readily accessible is not sustainable or in the interest of the village as a community.

2.10 There is no natural connectivity to the village and no recognition in this application of the rural nature of the location. It is a quasi-urban development in the countryside. This proposed development is a stand-alone, anonymous urban housing estate in a field on the edge of the village. If planning permission was granted it would be the second such large-scale housing development approved for a small rural village in less than 3 years with the inevitable and irretrievable impact on the individual distinctiveness and unique character of the village and its community.

2.11 There is a serious fear in the community that medium density urban housing of a ubiquitous and monotonous mass as proposed in this application develops a model which will erode the character of Brixton as a rural village. This continuous erosion of what residents believe to be a healthy and happy place to live is starting to have a serious impact on the physiological well-being of the whole community.

3. Urban Sprawl on Plymouth fringe

3.1 This site is less than one mile from the edge of the Sherford New Town development and there is significant concern in the community about the danger of urban sprawl into rural Devon.

4. Policy - Development in the countryside

4.1 This proposed development does not meet the policy of the existing South Hams District Council LDF nor comply with the Policy for thriving towns and villages as identified in 'The Plymouth and South West Devon Joint Local Plan' (JLP) for 2014-2034 and it is contrary to the Policy for development in Brixton in the emerging Brixton Parish Neighbourhood Plan 2014- 2034.

4.2 This proposed development is outside the development policy boundary for Brixton village.

4.3 LDF policy CS1 makes it clear that any development outside the development boundary will be strictly controlled and can only be permitted where it responds to a demonstrable local need. There is no identified need for further housing in Brixton. This application is essentially development in the countryside. DPD policy DP15 sets out the criteria for development in the countryside: such development must require a rural location and support the needs of agriculture or meet the essential, small scale and exceptional local development needs of a settlement which cannot be met within development boundaries. This proposal conflicts with the objectives of LDF policy CS1, DPD policy DP15 and the NPPF, intended to protect the countryside from unnecessary development and takes further valuable agricultural land for housing from the village environment and potentially destroys the character of Brixton as a rural village community.

4.4 In 'The Plymouth and South West Devon Joint Local Plan 2014-2034' (JLP) Brixton is listed as a sustainable village in the JLP's Thriving Towns and Villages policy. The JLP's strategic objective for sustainable villages is *'characterised by strong social networks and traditions. Development will have contributed to enhancing their character and local distinctiveness and helped provide a more balanced demographic profile and greater resilience to change for rural communities.'* This application does not respect the existing networks and traditions of Brixton and does not respect the character and local distinctiveness of the village by attaching an urban housing mass of 64 houses in a field on

the edge of this essentially rural village. It does not enhance the character and local distinctiveness and does not provide a more balanced demographic profile and greater resilience to change it in fact has the opposite impact. Policy TTV31 identifies that LPAs will protect the special characteristics and role of the country side, it continues that housing development adjoining or very near to an existing settlement will only be supported where it meets essential, small scale local development need of the community and provides a sustainable solution. This application is in clear conflict with this policy as there is no identified need for 64 additional houses in Brixton. The 10 identified houses for Brixton in the JLP in the Thriving Towns and Villages policy has already been greatly surpassed.

4.5 JLP Para 5.154 *'The JLP does not identify sites for development in the villages as being the sustainable villages. Rather, an approach is taken which aims to enable development to come forward in these villages which reflects their sustainability, and which will respond to local needs. In these locations, it is clearly important to strike a balance so that development maintains or improves the viability of the villages whilst also being of an appropriate scale and meeting the needs of local people. It is important that any development in the Sustainable villages also respects the character of the villages and particularly any landscape designation such as the AONBs.'*

4.6 The National Planning Policy Framework (NPPF) identifies three dimensions for sustainable development (see para.7) and NPPF para. 8 states *'to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system'*. This proposed development in this application does not meet the criteria for sustainable development as required by the NPPF under the three dimensions identified.

4.7 For development to properly be regarded as sustainable all three roles need to be fulfilled, so that even if a proposed development may contribute an economic and social role, if such fails to perform in terms of the environmental role proposed development should be refused.

4.8 For example, is the site in question actually of the right type, in the right place and at the right time "to support growth and innovation"? The analysis set out in this document strongly suggests that the land is not of the right type, being open, undeveloped countryside, is not in the right place, as the site is not sustainably located, and is not at the right time in that there is no proven local need for housing of this scale.

4.9 The Applicant fails to address how the addition of up to 64 dwellings will positively contribute to performing a social role, and set against any purported benefits are the observations that the addition of some 64 new dwellings will simply serve to increase pressure on existing facilities to the detriment of the area, thus not fulfilling a positive social role as required by the NPPF, where emphasis is placed on "accessible local services that reflect the community's needs and support its health, social and cultural well-being."

4.10 This view was reiterated at the Feniton Appeals (APP/U1105/A/132191905) where the Inspector found that "substantially increasing the number of residences in a settlement without proportionate increases in the provision of local shops, infrastructure, employment opportunities and other local services risks eroding community cohesion" (para 87).

4.11 In addition, the Inspector took the view, in the context of para 9 of the NPPF which states that sustainable development involves seeking positive improvements in people's quality of life, that constructing large amounts of housing on the premise that its occupiers

would commute out, risked turning Feniton into a dormitory town. This was described by the Inspector as “a real danger” (para 85), and contrary to para 9 of the NPPF.

4.12 Furthermore, all the evidence suggests that the proposed development will be heavily car-dependent, in terms of access to employment, services and facilities, thus clearly conflicting with key principles of sustainable development.

4.13 With reference to the environmental role of sustainable development, the likely overall increase in car journeys resulting from the proposed development conflicts with the NPPF’s aim of minimising pollution, and building on previously undeveloped countryside also conflicts with core planning principles set out in para 17 of the NPPF, of conserving and enhancing the natural environment and encouraging the effective use of land by using land that has been previously developed. The NPPF Para 30 states that ‘encouragement should be given to solutions to reduce green gas emissions and reduce congestion. Para 32 emphasises the importance of safe and suitable access for all people’.

4.14 On balance, in terms of the three dimensions of sustainable development, it is clear that the limited benefits arising from the proposed development are significantly and demonstrably outweighed by the adverse impacts.

4.15 Development Policy 3 currently in draft in the emerging Neighbourhood Plan 2014- 2034 for Brixton Parish states that *‘All new development should be of high quality and appropriately designed for the context in which it is proposed with respect to its neighbours and the rural character of Brixton village and Parish. Development should take into account topography, layout, building orientation, massing and landscaping (including any associated public realm) to minimise visual, ecological and social impact’*. This application does not meet this draft policy.

4.16 The emerging Neighbourhood Plan 2014-2034 is at a relatively advanced stage and consequently should be afforded reasonable weight in the consideration of this application.

4.17 This site has not been previously identified in any of the above policies or plans for housing development.

5. Infrastructure Issues

5.1 Drainage and surface water runoff. This is a sloping site where currently there are problems with surface water run off onto the main feeder road from Brixton to the A38 and Plympton which causes regular flooding at the bottom of Stamps Hill and in the adjacent house ‘Ashford’. Filtration systems for a 1 in a 100 years event plus 30% for climate change have already (2015) proved to be ineffective in another development in Brixton as the weather pattern of frequent heavy downfalls of rain evidences that the 1 in a 100 years target is unrealistic and inadequate.

5.2 Sewage – No information has been provided to ensure that the current sewage system can cope with the increased capacity. There is evidence in the public domain provided by the Environment Agency that the sewage filtration plant below Brixton is not performing well and has insufficient capacity to manage the current demand. It shows that the following raw untreated sewage spills have occurred at Mudbank - 58 spills total 620 hours or spilling for 2 days (48 hours each month) into the River Yealm. This is occurring before the 34 houses for Phase 2a & 2b at Canes Orchard are built. This is occurring before the 34 houses for Phase 2a & 2b at Canes Orchard are built so the impact of the capacity from a further 64 houses to

this water treatment plant must be taken very seriously. This level of contamination puts at risk the water quality in the river Yealm which is used for commercial oyster farming, for leisure and recreation and supports valuable wildlife habitats.

5.1 Access –

i) Introduction

The plan proposes vehicular and pedestrian access through Stamps Hill and Red Lion Hill which is a C4 road to Plympton and the A38. This is a busy road and carries a full range of traffic every day including cars, delivery vans, HGV's, school buses and farm vehicles. Pedestrians from the site via Stamps Hill will have to cross this road more than once to reach the village as footways will be on different sides of the road and visibility is poor. There is no bus service to Stamps Hill and the nearest public transport (bus stop) is on the A379 and lies outside the recommended distance laid down by the planning authorities.

ii) Roads/ Highways

Brixton Parish Council supports the objection by Devon County Highways dated 29th June 2017 for Red Lion Hill and Stamps Hill and the proposed pedestrian access to the village. The proposals are not safe for either traffic or pedestrians. Furthermore there are no proposals for parking for people who use the 29 adjoining allotments. Currently they park alongside the bungalows on Stamps Hill. The width restrictions proposed for Red Lion Hill will prevent all large agricultural vehicles accessing the fields beyond the village. There is no other wide enough access to the surrounding lanes to the fields beyond Red Lion Hill suitable for local farmers to reach their fields with combine and forage harvesters. As the new town of Sherford is built the volume of traffic along this road will increase to access the A379 and the South Hams.

iii) Pedestrian Access to Brixton village

The site's fairly isolated location outside the northern edge of the village does not link up to any local facilities. There is no natural safe access for pedestrians to the village. The application outlines access via Stamps Hill and Red Lion Hill. There is no continuous footpath along this road and pedestrians have to cross the busy road which has poor visibility to access the footpath as it crosses from one side of the road to the other. Furthermore the wide junction to Cherry Tree Drive has also to be navigated to reach facilities and services which are at least 10 minutes walk from the site along this dangerous route through Stamps Hill and Red Lion Hill. See attached map - Location of footpaths along Red Lion Hill leading to Stamps Hill.

In the re-advertised planning application a new pedestrian link to the west is proposed through the field adjacent to this site and rear of Cherry Tree Drive to link with the village via the new development at Canes Orchard. This is described as a predominantly traffic free route. Canes Orchard could eventually have 120 houses on the site plus allotments which would mean traffic regularly using the main entrance into this estate and would not be traffic free in fact the roads are narrow and steep. Current residents of Phase 1 of Canes Orchards find the road dangerous for both drivers and pedestrians due to the design of the public highway. This proposed route is unsuitable, unsafe and further complicated access to the village and A379 for pedestrians.

Alternative access to the village via the PROW would be via Cherry Tree Drive rejoining Red Lion Hill at a dangerous road junction or by way of the PROW down a precipitous flight of over 20 steps, which has handrails on both sides, through Tuscany's to the village via the steep footpath. Neither of these access proposals to the village is safe or manageable for people with limited mobility or using mobility vehicles, parents with small children or children in buggies or for people walking from the bus stop to the site with shopping etc. For people using the PROW the path between the houses is extremely narrow and borders the boundaries of two private houses impacting on their privacy and security particularly if street lighting is installed as outlined in the application.

It is unclear if access from the development to the adjoining field and the PROW has been established. At the time of the public meeting the developer admitted that they had not discussed public access through the field to Canes Orchard. It would appear that the granting of access over this land is unlikely; and a letter to South Hams District Council from Mr & Mrs Cane, the adjoining landowners, confirms that there has been no negotiation for footpath access through their fields to Canes Orchard. No infrastructure improvements are proposed to facilitate sustainable links from the site to existing village facilities. On a technicality the representative suggested that they would like the development to the existing public footpath in the neighbouring field. There are no details in the detailed application that propose such a link and the red line boundary for the application does not identify this desired pedestrian link across 3rd party land to the existing footpath.

iv) Education

There is no evidence that the viability of the local school is dependant on the provision of further houses in Brixton. Currently the school is at capacity and from September 2017 it is over subscribed. The school has a strong family and community identity. Many children and families moving into Brixton will not be able to access local education provision. The nearest schools, which are also up to capacity, are at least 1.5 miles away from the site and parents will need transport to take them thus creating more traffic in this road. There is a limited and sometimes unreliable bus service along the A379 to other villages with schools. Ivybridge Community College is oversubscribed.

v) Medical Provision

The nearest Health Centre is at Yealmpton. It is not within convenient walking distance. The walking route of at least 40 minutes each way to Yealmpton to Brixton is via Silverbridge Way - a permissive path through the fields and along the pavement adjacent to the A379 at Yealmpton. It is not safe to walk along the A379 where there is no pavement. This route is only manageable by fit and well people to access services in Yealmpton.

6. Design

i) Loss of privacy for neighbours in Cherry Tree Drive and Stamps Hill The re-advertisement has withdrawn the provision of the green gym. However it has not taken into account the need for privacy and a rural, peaceful outlook for the residents of Cherry Tree Drive. There is no buffer zone between Cherry Tree Drive and the houses proposed in the development. Further consideration has not been given to reconfiguration of the road layout to ensure that there is privacy for the residents of Cherry Tree Drive whose outlook will be ruined if this application is granted. The outline plan of the development shows no public open amenity

space as the plan is essential suburban in design except for a residual space at the rear of the houses on Cherry Tree Drive which will impact negatively on these houses causing noise, disturbance, loss of privacy and security, and possible anti social behaviour.

The sectional drawings show that residents and neighbours privacy will be further compromised by the proposed heights of the houses immediately to the north of Cherry Tree Drive. These roof lines are actually higher than the houses in Cherry Tree Drive. Currently the residents of these houses have a view however their right to an outlook will be changed dramatically by this proposed plan. There is significant concern that the proximity, height and scale will result in an unacceptable level of intrusion on the overall amenity space of the existing residents

ii) Lack of Play Space and Amenity Space

No suitable play space is identified for younger children and it is estimated that 64 houses will generate between 60-80 young children. No suitable public amenity space is included in the plans. The linear strip of space is unsuitable for this purpose as it impacts negatively of the privacy and security of the residents of Cherry Tree Drive

iii) Affordable Homes in identifiable groupings

Serious concerns have been expressed about the plan creating small masses of affordable homes in the development which will be easily distinguished from other houses. Social housing needs to be fully integrated in the plan reflecting the character and nature of the existing village and to avoid discrimination. Good design should reflect a tenure blind approach

iv) Lack of adequate parking

There is insufficient parking identified for 64 houses and no visitor or off street parking is identified. Evidence from recent new developments in the area shows that on street parking using the pavements outside houses for parking causes serious long term problems of congestion and hazards for other traffic, pedestrians and residents. This impacts on the quality of external space, streetscape and anti social behaviour

v) Design and Quality

South Hams District Council Development Policy 2010 states *'High quality and inclusive design will be a core aspect of promoting sustainable development in the South Hams. The LDF aims to make the best possible use of available land to meet housing needs, whilst achieving high standards of design and layout to the individual size and its surroundings'*

The site planning, infrastructure and layout does not provide sufficient 'breathing' spaces or a street scene which is friendly and welcoming with tree planting in the streets. The local play spaces are likely to be inaccessible to school age children due to the difficulty in accessing the village.

The plan and the design of the houses does not ensure that sufficient garage/parking and turning space for the numbers of cars and vehicular movements likely to be generated from this site is properly accommodated including lack of visitor provision.

The All Party Parliamentary Group for Excellence in the Built Environment (July 2016) states

that *'we need to ensure that consumers are buying homes that are fit for purpose, are of enduring quality, perform to the requisite levels of maintenance cost and energy efficiency and give peace of mind, pride and enjoyment to those who occupy them'*.

The JLP consistently promotes that development should be of high quality design that enhances local distinctiveness. The proposal fails to demonstrate these important criteria and therefore does not accord with the JLP Strategic Objective SO11 or Policy DEV10.

vi) Energy Efficiency

Any new development should be very thermally efficient and incorporate renewable energy sources. There is no indication of renewable energy sources being proposed or other such sustainable design considerations.

7. Environment

i) Ecology and Wildlife

The site is essentially farmland, evidence of dormice, slow worms and bats has been found. The proposed plan makes no space for wildlife. There are no dark corridors for bats and the translocation of slow worms is not clear.

ii) Proximity to Composting Site and Community composting facility

The Community Composting site – a valuable green community asset - at Catson Green is required by Devon County Council as the planning authority to have 250 metre radius distance from any residential development. It is unclear in the application that the site for the proposed new houses at Stamps Hill meets this legal planning requirement.

Conclusions.

1. The application is contrary to, and conflicts with a number of core principles and policies set out in the National Planning Policy Framework (NPPF).
2. The application is not in accordance with the South Hams Local Plan (SHLP) – LDF Dev 15. *'Within the South Hams there is considerable pressure for new development in the countryside. Some proposals in the countryside can lead to unsustainable development which, individually and cumulatively, change its rural character. In order to protect the quality and character of the countryside it is essential to prevent inappropriate development.'*
3. The application is not in accordance with the emerging Plymouth and South West Devon Joint Local Plan (JLP) 2014-2034, specifically Policies – SO10, TTV30 Figure 5.8, TTV31, DEV1, DEV24, DEV25, DEV30, and DEV32.
4. The application is not in accordance with the emerging Brixton Neighbourhood Plan 2014 - 2034, specifically Policies – Dev2. *Location, scale and character of development.*

(a). *Within the settlement boundary the scale, density and character of development shall be in keeping with its site and surroundings and shall cause no adverse impacts on natural or historic assets, important views or skylines, local amenity, traffic, parking or safety.*

(b). *Elsewhere in the parish development will be strictly controlled and only permitted where it can be delivered sustainably and requires a countryside location, or secures a viable long-*

term future for a valued local asset which would otherwise be lost, or will meet an essential local need which could not otherwise be met.

5. The application does not meet the sustainability criteria as established by the Feniton Appeals (APP/U1105/A/132191905) where the Inspector found that “substantially increasing the number of residences in a settlement without proportionate increases in the provision of local shops, infrastructure, employment opportunities and other local services risks eroding community cohesion” (para 87).

6. There are major safety issues with pedestrian and vehicular access.

7. There are not sufficient material considerations in favour of the development so as to outweigh the provisions of the Development Plan particularly in terms of restricting development in the countryside.

8. The adverse impacts of permitting these proposed developments would significantly and demonstrably outweigh the benefits.

9. There is a serious fear in the community that medium density urban housing of a ubiquitous and monotonous mass as proposed in this application develops a model which will erode the character of Brixton as a rural village.

For the reasons set out above this application should be refused.

(End of Parish Comments)

Representations:

Approx. 122 letters of OBJECTION have been received. Reasons for the objections include the following:

- No need for more houses, Sherford is being built just a few miles away and planning permission has been granted for 90 houses at Venn Farm/Canes Orchard in Brixton.
- Must protect greenfield land from development.
- This site is part of a green buffer between Brixton and Sherford
- Site rejected for development in the past
- Local highway network cannot support additional traffic, roads are narrow, congested and dangerous.
- Since Sherford Stamps Hill has become much busier and this will only get worse as Sherford grows.
- Highway safety – exiting and entering the site will be dangerous.
- Proposed highway alterations will create more congestion and added danger
- No safe pedestrian route into the village, the footpath is steep and has steps
- Dangerous for pedestrians to have to walk in the road
- There is as yet no footpath in the adjoining field to link into as suggested
- Occupiers will be reliant on the car, this is contrary to policy
- Too much development at one time is destroying the character of the village, current development should be allowed to assimilate before further homes are allowed.
- Road is prone to flooding
- Additional surface run off with adversely impact on oyster beds in the Yealm Estuary
- No cycleways in Brixton

- Public transport in Brixton is poor
- No open space or play areas proposed
- Noise disturbance to nearby residents
- Overbearing impact on neighbours
- Loss of on street parking in Stamps Hill which locals rely on
- Loss of light to neighbours
- Loss of privacy to neighbours
- Loss of views to neighbours
- JLP proposal of 10 houses for Brixton well exceeded already
- Out of character with this rural village
- Affordable houses are not integrated within the site
- Odour problems from pumping station
- Flooding occurs at the bottom of Stamps Hill from surface water run off
- Light pollution
- Is there capacity in the sewage system? SWW have previously indicated capacity is a problem and the EA have indicated sewage works lacks capacity. This will lead to pollution of Yealm Estuary SSSI and fishing industry.
- This is the only arable field in the village and is good quality land.
- Village facilities such as school and doctors are at capacity
- Contrary to Policy DP15- Development in the countryside; site is outside the development boundary.
- Contrary to Neighbourhood Plan and therefore democracy
- Air Quality - site is 250m from a composting site which emits bio-aerosols which are a health risk.
- Will require composting facility to obtain a permit with on-going cost implications as houses will be within 250m – if permit refused would be closed down.
- Scale – some 3 storey properties are proposed which will be higher than the existing houses on Cherry Tree Drive – does not follow natural topography.
- Inadequate screening between the rear of Cherry Tree Drive and the site
- Ecology survey undertaken after harvest and following spraying with weed killer – therefore not representative.
- Further development in Brixton will adversely impact on the health of existing residents due to pollution/
- Comment from adjoining landowner to state that there is no agreement for any new access route across their land.
- Disturbance to neighbours through increased use of existing footpath

Relevant Planning History

There is no prior relevant planning history

ANALYSIS

Principle of Development/Sustainability:

The application proposes major development of 64 dwellings on an unallocated site in the countryside, adjacent to but outside of the Brixton settlement/development boundary.

The starting point for consideration is the development plan and the requirement of Section 38(6) of the Planning and Compulsory Purchase Act 2004 (replacing Section 54A of the Town and Country Planning Act 1990) that decisions made should be in accordance with the development plan unless material considerations indicate otherwise.

The proposed development would need to be in conformity with South Hams District Council (SHDC) Core Strategy (December 2006), SHDC Development Policies (July 2010) and the Rural Areas Site Allocations Development Plan Document (February 2011) to be acceptable in principle (These documents all form part of the Local Development Framework (LDF)).

The Plymouth and South West Devon Joint Local Plan (JLP) is the emerging development plan which when adopted will replace the current LDF. The JLP is at an advanced stage having been submitted for examination and as such carries weight; the extent to which there are unresolved objections to relevant policies will influence how much weight individual JLP policies can be given.

Policy CS1 of the LDF identifies settlements in which the principle of development is acceptable and this includes Brixton. The site however lies outside of the settlement boundary, in the countryside. Policy CS1 states that outside of identified settlements development will be strictly controlled and only permitted where it can be delivered sustainably and in response to a demonstrable local need.

Policy TTV31 of the emerging JLP addresses development in the countryside and states, inter alia, the following:

Housing and employment development adjoining or very near to an existing settlement will only be supported where it meets the essential, small scale local development needs of the community and provides a sustainable solution.

Within the JLP housing sites have not been allocated for villages, this has been left for Neighbourhood Plans to identify and bring forward. Policy TTV30 of the JLP identifies Brixton as a village able to accommodate around 10 dwellings.

Paragraph 49 of the National Planning Policy framework (NPPF) states that:

Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

This authority has a demonstrable 5 year housing land supply of deliverable housing sites, the evidence base for this forms part of the emerging JLP. As such only the first part of this paragraph, the presumption in favour of sustainable development is relevant to this application and this is set out in full at Para 14 of the NPPF which states, inter alia, that:

At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking

For decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.

Addressing the first bullet point it is relevant therefore to consider whether the proposals accord with the development plan. To comply with policies CS1 and TTV31 there should be a local need for the development.

A recent Housing Needs Report for the Parish of Brixton, dated April 2016 has identified a need for 11 affordable homes and 18 open market homes within the next 5 years. The following planning permissions have recently been granted within the village:

07/2022/12/F -	Canes Orchard Phase 1 – 27 dwellings including 6 affordable units
07/1196/15/F -	Canes orchard Phase 2a – 17 dwellings including 4 affordable units.
07/1197/15/O -	Canes Orchard Phase 2b – 17 dwellings including 5 affordable units
1825/16/OPA -	Canes Orchard Phase 3 – 29 dwellings including 9 affordable units
2771/16/FUL -	Tuscany's Legion Lane – 4 dwellings

Plus extant consents for 20 further dwellings on smaller sites in the Parish

Phase I of Cane's Orchard has been delivered, the affordable units were completed in 2015 and therefore pre-date the Housing Needs Report.

Phase 2a of Cane's Orchard is under construction and will deliver 4 affordable units and 13 open market dwellings.

The remaining permissions remain extant and will provide a total of 14 additional affordable units and 52 further open market dwellings.

It is demonstrated therefore that planning permission exists for development that will deliver well in excess of the identified local housing need in the Parish of Brixton and therefore there is no local need for further housing. As such the proposed development does not accord with either policy CS1 of the development plan or policy TTV31 of the emerging development plan; the development is not small scale and does not meet an identified local need.

The principle of the proposed development does not accord with the adopted or emerging development plans.

The Council's adopted policies regarding location of housing development are however out of date as they are based on housing supply up to 2016 only. Advice in para 14 states that where the development plan is out of date, if the development is sustainable, planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits or if specific policies in the NPPF indicate development should be restricted.

It is relevant therefore to consider the following:

- i. is the development is sustainable;
- ii. are there any adverse impacts and if so whether they would significantly and demonstrably outweigh any benefits; and
- iii. do specific policies in the NPPF indicate development should be restricted

(The recent Supreme Court ruling of Suffolk Coastal has established that development plan policies that indicate that a particular development should be restricted are relevant in the context of footnote 9 in Para 14.)

Sustainable Development

Location

Policy CS1 - Location of Development, of the LDF sets out where development is acceptable in principle subject to detailed material planning considerations. Brixton is included as one of the districts' villages and is therefore covered by policy CS1, being a village with an appropriate level of infrastructure and service provision to accommodate some degree of additional development.

Policy TTV30 of the emerging JLP also identifies Brixton as being a sustainable village.

Policy TTV1 identifies development appropriate for sustainable villages as being that which will meet locally identified needs and which will sustain limited services and amenities; settlement boundaries are identified to focus development accordingly.

Policy TTV2 states that the LPA will support development of housing in a location where it will enhance or maintain the vitality of rural communities.

Policy SPT2 states that the LPA will apply principles of sustainable linked neighbourhoods and sustainable rural communities to guide how development and growth takes place in the Plan Area, this includes development being well served by public transport, walking and cycling opportunities

It is clear that Brixton, as a village, is sustainable however this does not necessarily mean it is sustainable for all types and amounts of development. In addition any sustainable development would need to be able to properly access the village facilities to benefit from them.

Paragraph 7 of the Framework identifies three dimensions to sustainable development – economic, social and environmental – whilst Paragraph 12 sets out twelve core planning principles that should underpin planning decisions. These two paragraphs set the context in which to consider sustainability. The three dimensions stated in Paragraph 7 are considered below:

The Economic Role

Housing development is recognised as an important driver of economic growth and there would be economic benefits to the construction industry from the proposed development. Once the dwellings were occupied there would be an increase in the level of disposable

income from the occupants some which would be likely to be spent in the local area with some increase in the demand for local goods and services.

Paragraph 7 of the NPPF however does qualify this benefit; stating that LPA's should ensure that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure.

Windfall sites such as this can only be required to contribute to local infrastructure insofar as the improvements are needed to mitigate the effects of a specific proposal. By contrast, residential development that is plan led can be brought forward together with necessary supporting infrastructure. Increased spending power where local facilities are lacking can result in greater economic benefit to nearby larger centres, in this case Plymouth, with Brixton increasing functioning as a dormitory settlement; this minimises the local economic benefit.

The development will result in the loss of 2.3ha of Grade 2 arable land; it has been commented that there is little arable land in the vicinity of the village. Having regard to the size of the field it is unlikely that the loss of this agricultural land will have a significant adverse impact on the economy of Brixton.

In respect of the economic element of sustainable development the balance is considered to be marginally in favour of the development.

The Social Role

In respect of the social aspect of sustainability a number of objections have been raised including the pressure on local services with the primary school and medical centre being oversubscribed, added congestion on highways that are already dangerous and impacts on existing residents who live nearby. Concern is also raised with regard to the cumulative impact of significant numbers of new house building on the social wellbeing and character of the village.

The NPPF places a priority on significantly boosting housing supply and the proposed development would be a clear benefit in this regard, delivering 64 homes of a variety of types and size and of which 50%, 32 units, would be affordable.

Since 2014 approx. 115 dwellings have either been built or granted planning permission in the Parish of Brixton. In 2009 Venn Farm, now known as Canes Orchard was allocated for development that included up to 50 dwellings. Planning permission has been granted for this site and beyond the allocation boundaries, for 90 dwellings, of these 27 have been completed and 17 are under construction. This 115 new dwellings represents an approximately 28% increase in housing within the village. An application for a further 25 dwellings adjacent to Canes Orchard is pending.

At the time the more recent of these applications were approved the LPA was unable to demonstrate a 5 year housing land supply which influenced the planning balance in favour of the developments.

There are very limited employment opportunities in the immediate area. It is likely that residents will rely on larger settlements such as Plymouth for employment. There is a real danger that constructing large amounts of new housing on the basis that its occupiers would

commute out to Plymouth for work risks turning Brixton into a dormitory town, impacting on the character of the village.

The NPPF places importance on widening the choice of high quality homes, and ensuring that sufficient housing (including affordable housing) is provided to meet the needs of present and future generations. As discussed above, the proposed development would be of clear benefit in terms of the district's housing supply, however the NPPF does not identify a straightforward correlation between the construction of houses and ensuing social benefit. Paragraphs 54 and 55 explain that housing development should reflect local needs, and be located where it will enhance or maintain the vitality of rural communities.

An Inspector in the Feniton appeal 2014, (APP/U1105/A/13/2191905) commented that substantially increasing the number of residences in a settlement without proportionate increases in the provision of local shops, infrastructure, employment opportunities and other local services risks eroding community cohesion. This type of impact is always hard to quantify, given the difficulties of obtaining tangible evidence. Prior to 2014, there were approx. 400 dwellings in Brixton village; planning permissions have been granted for the provision of 115 further dwellings. The current proposals would add 64 more, resulting in an overall increase of over 44%. This would constitute a sizeable expansion. Officers accept the Parish Council's argument that it would take the existing community some time to adapt, and may have adverse consequences for the social and cultural wellbeing of existing residents. There is evidence that many residents chose to live in Brixton specifically because it is a small, quiet, rural settlement.

The Inspector in the Feniton appeal commented that communities (quite rightly) expect that decisions about a settlement's capacity to take significantly more houses should be taken through the Local Plan process. The Inspector comments that in this context, a considerable quantity of new housing being allowed on appeal in advance of that process, shortly after permission having been granted for a significant number of new houses, could lead to hostility and resentment being directed towards the occupiers of the new housing. The Inspector concludes that the potential adverse impact on the existing community is a consideration which must be weighed in the overall balance.

In addition to the social pressures from on-going and proposed development within the village the urban expansion of Sherford which is bringing forward approx. 2000 new dwellings lies only 500m north of the village, the closest point being Wollaton Cross at the top of Stamps Hill, just 400m from the application site. The development site will take the village boundary closer to Sherford, eroding the countryside buffer between the two. This could further erode the identity and social cohesion of Brixton.

Consideration has been given to the concerns raised with regard to capacity of the local schools and medical centre. Devon County Council have confirmed that the local primary school and nearest secondary school are at capacity and as such financial contributions have been requested to provide additional school infrastructure to mitigate the additional demand. Contributions towards secondary school transport are also requested. No objections are raised from DCC. It is considered that impacts on these elements of infrastructure are acceptable.

The issue of congestion and highway safety is considered elsewhere in the report.

A further issue regarding the social aspect of sustainability relates to the sites location. As will be expanded on later in this report the application site cannot provide safe pedestrian

access for all users into the village to access services and public transport. This could result in social isolation for some residents.

Additionally the site does not provide any useful open space or provision for play. The site cannot offer safe pedestrian access for all users to access play areas or playing fields. This could result in poor health and well-being for some residents, in particular children.

Neighbour Amenity -

Existing neighbours, in particular those residents on Cherry Tree Drive that back on the application site have raised concerns regarding loss of light, overlooking, overbearing impacts and loss of outlook.

This is a detailed application with all matters to be agreed. The layout shows an access road running east west within the southernmost part of the site and south of this is a linear area of public open space that adjoins the rear gardens of Cherry Tree Drive. A landscaping scheme is submitted which indicates limited new planting on this area.

Existing screening on this southern boundary varies from house to house, some boundaries are well vegetated, others are relatively open to benefit from the rural views. The nearest of the new dwellings would be set approx. 26m from the rear elevation of existing properties on Cherry Tree Drive. This is an acceptable distance but existing residents will no doubt still perceive that they have lost privacy. The road and footpath will also introduce activity close to the rear boundaries. Additional tree planting on the southern boundary could reduce the perception of overlooking. Suitable lower level planting could also provide greater screening and security to these rear boundaries. If planning permission is granted a condition should be applied to require further landscaping details to be agreed.

Concern has been raised about the height and scale of the dwellings closest to Cherry Tree Drive; despite being set at a lower ground level (as a consequence of the topography) the ridge heights will still be higher than those at Cherry Tree Drive and there is concern that they will be overbearing. The dwellings on Cherry Tree Drive are mainly bungalows, the proposed dwellings are 2 storey houses fronting the road, dropping down the hillside to the rear/north to be 2.5 storey dwellings with 3 levels of accommodation.

It is acknowledged that the ridge heights will be higher than on Cherry Tree Drive however the distance between the properties is sufficient that the impact will not be unduly overbearing or result in a significant loss of light. It is regrettable that the applicant has not chosen a more neighbourly form of development within this part of the site but on balance the neighbour impact will be acceptable.

There will be additional noise from the development but only that of a type and level that is typical of residential areas.

The outlook from the existing dwellings will change significantly, however loss of a view of not a material planning consideration.

On balance, it is considered that the adverse social impacts of this proposal weigh against the development.

The Environmental role

With respect to the environmental role of sustainable development, the elements that are considered to be especially relevant to the proposed development are impacts on the landscape including the AONB; ecology and bio-diversity; impacts of the local composting facility; heritage assets and surface and foul water drainage.

Looking at the principle of development on this green field site, the likely increase in vehicular traffic would conflict with the aim of minimising pollution. Building houses on undeveloped parts of the countryside would also conflict with the core planning principles set out in paragraph 17 of the NPPF of conserving and enhancing the natural environment and encouraging the effective use of land by reusing land that has previously been developed.

The proposal is on Grade 2 arable land which is one of the categories of best and most versatile land. Paragraph 112 of the NPPF states that LPA's should take into account the economic and other benefits of the best and most versatile agricultural land. The loss of good quality agricultural land is an adverse impact to be weighed in the overall planning balance

Landscape Impact:

The Council's landscape specialist has assessed the proposal and has commented as follows:

The submitted Landscape and Visual Appraisal contains a fair assessment of the likely impacts of the proposed development. The site is generally well contained within the landscape, and seen as closely associated with the existing settlement edge of Brixton. Whilst a limited number of close-proximity views, and wider glimpsed views would experience a visual change, there is a context of built form of a similar character and appearance to provide a reasonable context for this pattern of development. The landscaping proposed throughout and bordering the site would also provide a tree canopy framework in the longer term, which would help to assimilate the development into its context. Although lying close to the South Devon AONB, the site slopes broadly to the north and away from the protected landscape, and there are therefore not considered to be any notable impacts upon the designation or its setting.

I would not consider there to be sufficient harm to the landscape or visual amenity of the area to justify refusal on landscape grounds, and on this basis would not raise an objection on landscape grounds, under policies DP2 and CS9, and the emerging policies of the Joint Local Plan.

If you were minded to recommend approval of the scheme, please condition:

- *A Landscape Management Plan to secure the successful establishment and long term management of the existing and proposed vegetation on the site (potentially combine with ecological issues to form a LEMP); and*
- *The implementation of the tree protection measures contained in the submitted Arboricultural Survey and Tree Protection Plan to secure the retention of the boundary trees and hedgerows during construction.*

It is considered that the landscape impacts of this development would be acceptable.

Ecology

Detailed comments have been provided from the Council's ecology specialist as follows:

On site:

The Ecological Appraisal notes the use of the site by protected species, including Dormice (assumed present due to record offsite during survey), a large population of slowworms and a variety of bats including Annex II species (and light sensitive species) using the boundaries and in particular the western boundary.

The proposal includes retained/enhanced habitat along the northern boundaries for slowworms which will include habitat piles and hibernacula. The habitat itself is narrow, however does comprise c.1,000m² of suitable habitat which is south facing and adjacent to a hedgebank. Taken with the allotments to the north and new gardens, it is reasonable to consider that it is unlikely to cause significant impacts to the local population.

The Ecological Appraisal recommends a requirement for dark corridors on the northern and western boundaries and no more than 0.5 Lux at the boundary – the western boundary in particular having the highest recorded bat activity including light sensitive species. Achieving dark corridors with this layout looks a little questionable, not least on the western boundary with proximity of dwellings to the boundary (notably property no. 64), and the fronts of properties 8 and 17 facing the northern boundary. A condition will be required for a pre-commencement lighting plan showing light contour levels including light spillage from the dwellings themselves, and it may be necessary to remove permission for external lighting on some of the boundary properties.

The Ecological Appraisal advises that an EPS Licence will be obtained from Natural England prior to any removal of nesting habitat on site. The Ecological Appraisals identifies mitigation and compensatory planting that can ensure the Favourable Conservation Status of the dormice. Given the level of impact, public interest (with respect to affordable housing) and no alternatives to the limited removal of the trees/hedgerow to facilitate the development, it is considered that the 3 Habitats Regulations derogation tests are met and accordingly is likely that Natural England would subsequently grant a European Protected Species Licence.

Offsite - HRA

The site is located circa 1km from the Yealm component of the Plymouth Sound and Estuaries SAC. The South Hams Core Strategy HRA identified the potential for development in Brixton to cause effects on the SAC with respect to additional recreational pressures, and accordingly concluded that mitigation measures should to be secured if this site was developed to ensure there were no adverse effects on the SAC, namely:

- Partnership funding and support for the Tamar Estuaries Consultative Forum and Yealm Estuary Management Group or appropriate funding and support for the management structures undertaking the management scheme work in relation to the SAC.
- Secure funding to support recreation linked projects/actions identified in the Tamar Estuaries Management Plan, Yealm Estuary Environmental Management Plan, any revisions or updates of these plans and/or other relevant management plans.

Accordingly, it is recommended that a contribution of £1,112.73 be sought towards mitigating recreational pressures caused by the development on the Yealm Estuary area of the Plymouth Sound and Estuaries Special Area of Conservation. (Calculation in accordance with the following table):

Dwelling size	Contribution per dwelling
1 bedroom	£17.16

1 bedroom flat	£23.99
2 bedroom house	£31.60
3 bedrooms	£33.93
4 bedroom house	£36.76
5 bedroom house	£40.38

It is considered that subject to securing this contribution will mitigate recreational pressures associated with new residents from this proposed development, and accordingly will ensure the proposed development is not likely to have a significant impact on the European designated site.

Impacts on bio-diversity are considered to be acceptable.

Impact of the local composting facility

The Environment Agency have objected to this application on the basis that insufficient information has been submitted to demonstrate that the effect of the emissions from the neighbouring waste facility are fully understood and that any impacts identified can be controlled to acceptable levels through appropriate mitigation measures.

The application site is within 250m of the Venn Farm composting facility, which has a standard rules (SR2011 No 1) permit for composting in open systems (ref. EAWML 104117). One of the conditions of the standard rules permit is that there shall be no sensitive receptors (i.e. dwellings) within 250m. Therefore, if the development were to be permitted the operator will /may be required to apply for a bespoke permit and potentially incur additional costs.

Locating new dwellings within 250m of an existing composting activity could result in future residents of the development being exposed to odour and bioaerosol emissions. The severity of these impacts will depend on the size of the facility, the way it is operated and managed, the nature of the waste it takes and the prevailing weather conditions.

Pollution from existing permitted activities, for example noise, odour, emissions to air and discharges to water, are material planning considerations for planning applications for new developments nearby such as housing. It is up to the planning authority to decide how much weight is placed on them when they decide a planning application.

The EA advise that the applicant should fully assess the risks to the new development from the neighbouring waste facilities using best practice techniques, and, where necessary, consider further measures, such as design changes, to reduce the risks as part of the development proposals. If it can be demonstrated that all reasonable precautions to mitigate odour impacts have been taken, it may be possible for the facility and community to co-exist, with some residual impacts. However, in some cases, there will be a limit on the measures an existing permitted facility and proposed development can put in place to adequately reduce the risks. This could result in the existing activities being regarded as 'bad neighbours' to the new development and the residual impacts may cause future residents concern.

In the case of bioaerosols, the operator would need to show that bioaerosols from the composting operations can, and will, be maintained below specified threshold limits. The developer may be able to assist the operator in taking the steps they need to make to ensure that the impacts to the development are minimised through appropriate mitigation, to limit the additional costs the operator may need to make to allow the development to come forward.

This objection from the Environment Agency was received late in the life of this application. If permission were to be granted the developer would first need to provide the information requested to seek to address and overcome the concerns raised.

Heritage

Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

A Heritage Statement is submitted in support of this application which considers the impact on a number of listed buildings in the area and concludes that there are no known heritage assets within or adjacent to the study site which will be adversely impacted by the proposed development. There is low potential for previously unrecorded archaeological remains.

The result of this statement are accepted; there will be no adverse impacts on heritage assets as a consequence of this development.

Drainage/Flood Risk

Concern has been raised by local residents and the Parish Council about capacity in the foul drainage system that the development would connect into. There is concern that sewage spills have an adverse impact on the Yealm Estuary SSSI and shell fish industry. Concern is also expressed regarding surface water flooding on Stamps Hill.

South West Water raise no objection to the development.

Devon County Flood Risk have reviewed the drainage details submitted and raise no objection subject to pre-commencement conditions.

The statutory bodies responsible for surface and foul drainage raise no objection to this scheme and as such it is concluded that impacts in this regard are acceptable.

Environmental dimension balance

The environmental role in considering where the development is sustainable is not clear-cut. The benefits identified are either marginal or essentially mitigation as in the case of any landscape/ecological measures to be applied to the development. Moreover, those 'benefits' have to be set against the loss of an area of open countryside, leading to a change in the local environment and landscape and loss of Grade 2 agricultural land. As evidenced below, the location of the development where there are no footpath links suitable for all users will result in reliance on the use of the car which increases pollution. In addition it has not been demonstrated that the proposed use is compatible with the nearby composting facility.

These impacts have been carefully considered, they are offset to some degree by the location of the appeal site outside the AONB, and the lack of substantial harm to landscape and biodiversity. The reliance on the car however does weigh against the development as does the matter of the composting facility.

It is concluded that on balance the adverse environmental impacts weigh against the development

Other Matters

Design and place making

The proposed development is set around two cul-de-sac's with a single access from the main road. The layout is simple and uses the whole site for development excepting margins at the northern and southern site boundaries and the area set aside as a drainage basin. The layout makes the 'best' use of the land in terms of housing numbers but does not deliver useable open space or any focal point within the development to create any sense of place.

The house types proposed offer some variety and the palette of materials does reflect the local vernacular with the exception of the proposed 'slate effect' tiles. Natural slate is typical of the South Hams and is used in all new developments, there is a clear visible difference between natural slate and artificial slates. The use of artificial slates is not acceptable and conflicts with paragraphs 56 and 59 of the NPPF which encourage good design and accept that it is reasonable to guide developers towards appropriate materials. It is also contrary to LDF policy DP1 and emerging JLP policy DEV10.

Adequate parking numbers are provided within the plots however the reliance on garages and tandem parking to achieve this means that there will be a degree of on street parking within the development. Road widths of 5.5m should be able to accommodate this without reliance on parking on footways and service margins which can cause conflict. There will be limited opportunity for visitor parking in the evenings when on-site parking is at its maximum.

Plots 36 to 28 are very tightly packed bearing in mind they are designed as detached dwellings but the provision of front gardens for these properties does give some feeling of space in this part of the development.

The pedestrian link from the north to the southwest corner of the site provides permeability within the site and for those able to use the public footpath into town, provides a more direct route.

The dwellings have adequate provision of private amenity space. The interrelationship between the dwellings in terms of privacy and relative scale and massing is acceptable.

The design and layout of the development is adequate with the exception of the proposed use of artificial slates.

Provision for play and recreation

Play

No provision for young people is made on the site. The design and access statement refers to a play trail within a short walk of the site connecting play spaces at Kitley View, Yarda Walk and to the rear of Steer Point Road to a new play space at Elliots Hill – however given the apparent lack of pedestrian connections to these spaces these play spaces would not offer an easily accessible offsite play area for new residents with children. If no meaningful provision is to be made on site then offsite commuted payments towards improvement of the other play spaces within Brixton should be made, if indeed they would be safely accessible to new residents. Applying the SHDC OSSR SPD that equates to £51,490 towards new and improved play facilities.

Playing Pitches

This proposed development will be unable to incorporate the level of meaningful playing pitch provision as required by policy on site, however an additional 135.5 anticipated residents (applying Table 3 of SHDC OSSR SPD) will generate increased pressure on existing local sports and recreation facilities off site within Brixton.

For existing facilities to meet the need of the additional residents that will result from the proposed development, investment is required to assist with making them sustainable and mitigate for the pressure on the facilities generated by the proposed development, and accordingly make the proposal acceptable in planning terms. A contribution is therefore sought which is required by policy to make the development sustainable and to mitigate the impact of the development.

A playing pitch commuted sum of Playing pitches component of £80,622.5 should be secured towards improvements to the lighting at Horsham Playing Fields, Brixton and/or improvements to the football pitch at Frankfort Park, Brixton and/or access improvements to these named facilities.

On site open space

The application indicates that 0.3ha of open space will be provided within the proposed development and this is commensurate with what would be expected for a development of this size. The function of the open space seems to be led by the biodiversity requirements for the site (e.g. reptile habitat including piles and hibernacula/dark corridor for bats, and this seems to have reduced its use in terms of a functional open space. Effectively the layout does not achieve particularly good results for either biodiversity or open space/recreation, and accordingly the 0.3ha is not as attractive/useful as it sounds.

The strips of open space are narrow and have little likely use for residents (other than as areas for dogs), particularly the northern boundary strip which is c.5m wide and in part under the adjacent tree canopy. Of note is the section to the rear of properties 18-21 which given its nature may well be a magnet for anti-social behaviour. Informal recreational use of any of the open spaces, given the layout is likely to lead to conflict with residents – e.g. attempts to kick a ball about on the southern boundary space.

The north east corner is required for drainage attenuation and there is reference to a pond (to benefit reptiles), and likewise it appears to be proposed for planting with a flowering meadow mix.

Highways/Access:

Concerns have been expressed by local residents and the Parish Council with regard to vehicular and pedestrian access to the site in terms of pedestrian and highway safety and congestion.

This application has been assessed in detail by the Highway Authority who have commented as follows:

Since the submission of the first original application and the respective Highway Authority objections, (which can be viewed on the Highway Authority first response) the applicant has attempted to overcome some of the identified issues. The notable changes appear to include a removal of the deemed unsuitable build outs on Stamps Hill and singular traffic calming feature near the new proposed vehicle access. As the design of these features would have created their own safety/maintenance issues the Highway Authority welcomes their removal, however there does still appear to be some fundamental differences of opinion between the Highway Authority and the applicant relating to the suitability of the development. These are outlined below –

1. The Technical Report attempts to mitigate the concerns of the Highway Authority and the first point raised looks at the potential for an alternative pedestrian connection to the Canes Orchard site. The writer of the Technical Report states –

'In the place of the formalisation of the situation already apparent on Red Lion Hill proposed, it is proposed to provide a new alternative route into the village centre utilising already available Public Rights of Way routes and the consented Canes Orchard (Barratt David Wilson) development (the current phase of which holds planning application reference 07/1196/15/F) which is located to the south west of the proposed site. The signed S106 agreement associated with that consented scheme places a legal obligation on Barratt David Wilson to provide a permissive footpath link to the north of its site. That link will connect to the existing Public Right of Way which runs through the field between the two development sites.

This link will enable a safe route through the consented Canes Orchard development to the village centre. That site has been confirmed as being suitable for adoption, and the route will provide access to services, amenities and bus stops in the village, within a reasonable walking distance.'

The Highway Authority has looked at the approved S106 for Canes Orchard and the approved plans, which do indeed show a permissive path to the northern boundary of the Canes Orchard site. However, there is still a field to cross in order that a seamless link can be achieved and there is no sign within this submitted planning application of a plan showing a seamless link nor a Certificate B notification demonstrating that the land owner has been formally notified. the Highway Authority would dispute there is already a linking public rights of way since the definitive map shows Brixton Footpath 9 some way from the northern boundary of the Canes Orchard site. Presumably the Planning Authority would need to see a legal agreement signed by the land owner/s of this land giving consent in perpetuity to allow a seamless permissive path link to connect the two sites. The Highway Authority would suggest that this must be the case or the same reason for refusal recommended by the Highway Authority for the first application must be again imposed and probably also a sustainability objection made by the Planning Authority.

It is acknowledged by the Highway Authority as the crow flies the majority of amenities in Brixton would make such an alternative route attractive for this site and would offer future

residents a safer choice of route. It is obviously not ideal for all users due to the gradients but many roads in Devon are the same due to the topography. The roads within the Canes Orchard site can be defined as shared use and would offer a potential safer route for this site. Manual for Streets 2007 is the relevant national guidance which would support this statement.

Whilst there is potential for this route there is still third party land to contend with and a detailed design of the path is needed with this planning application, including levels, materials, widths, construction details, lighting and gates for potential livestock retention. This is so the Highway Authority can consider the details in detail and once agreed have them appended to a legal agreement with land owner signatures. It would also recommend the Planning Authority requests legal surety is sought.

2. The applicant has also rebutted the Highway Authority second reason for refusal and states the following –

'The visibility proposed meets standards derived from the speed limit at the entrance to the site. The TA recommended providing a gateway to the village through the introduction of signage and a false raised table to reduce speeds further in line with the speed limit in the area. Mitigation was proposed to reduce the speed to 30mph, although this has not been accepted due to concern about maintenance liabilities. Another solution would be to reduce the speed limit further up Stamps Hill, thereby bringing speeds down at the point of this development access. It is suggested that this could be delivered by way of a Grampian condition. Changing the perception of drivers' arrival to the village with footways either side of the carriageway and the aforementioned signing would reduce speeds accordingly.'

Manual for Streets is the applicable national guidance which specifies that any new junctions visibility splays must accord with the 85th percentile speed of traffic and not the speed limit. The Highway Authority does not see a singular isolated traffic calming feature as a potential solution to this issue. It is debatable whether such a feature would be safe nor whether it will have a meaningful effect of traffic speeds. The design shows a fairly low raised table but this would require compliance with the Road Hump Regulations 1996. The definition of a hump is one that is between 25 millimetres and not more than 100 millimetres. There are also signing and lighting implications that must be considered if a hump were to be allowed. In the guidance it is strongly recommended that a speed reducing feature should be used to ensure that as far as possible the speed limit is not exceeded when the vehicle meets the first hump. The applicant has proven this would be the case by providing the results of a speed survey that demonstrate the 85th percentile speed of traffic is 38mph. Such features could include a junction immediately before encountering humps, or a bend of 70 degree or more, or give way markings at a pinch to create priority working. Conspicuous gateways can achieve, in their immediate location, quite high reductions in speed. Even so, they may not reduce speeds to 30mph and this will need to be borne in mind if gateways are to be used as speed reducing features.

Where a speed reducing feature is used, it should be less than 60m from the first hump to obtain the maximum benefit. Other than when used as an entry treatment, single road humps are not recommended, unless they can be used in conjunction with a speed reducing feature.

Since the prevailing conditions and horizontal road alignment from the north does not lend itself to such a feature to be sited safely, the Highway Authority has objected to the raised table. Furthermore traffic calming from the opposing direction would be constrained due to the presence of private property driveways.

In conclusion the Highway Authority maintains the access visibility must accord with the prescribed visibility splay dimensions in Manual for Streets 2007.

3. The points set out under point 3 of the Technical Report are noted and accepted. The fundamental objection to the site still stems from the lack of demonstrable adequate and consistent pedestrian facilities leading back to village amenities such as the primary school, shops, health centre and pub and lack of visibility proposed at the main site access. The applicant's highway agent has mentioned in the Transport Assessment that the site will be connected to Brixton Footpath 9 and that this offers a good choice for site users. However, the Highway Authority considers this route is unattractive as it is 0.5m wide in places and has fairly long flight of 1:1 gradient steps. Parents with prams, elderly and disabled would all find it extremely difficult/impossible to use this route. There is also a question over whether there is third party land between the path and the site.

This leaves the C4 (Stamps Hill/Red Lion Hill) district distributor road as the only alternative. This road leads from the A379 to the A38 and is a popular route for all types of drivers as using it means avoiding having to negotiate Plymouth or the more convoluted routes along the A379 on the way to the trunk road network. Plymouth can become unattractive as the roads can become busy and congested particularly at peak times. Whilst this is due to change there are some uncertainties over the levels of traffic that will use the road in the future.

Currently there are inconsistencies in the footways on the C4 road leading south and south west from the site to what are considered safe areas for pedestrians in the village. Highway improvements are not feasible to overcome the irregularities that currently exist in the footways on the C4 due to level constraints, trees, third party land, existing carriageway width constraints and a lack of forward visibility due to adjacent third party land. From the site entrance users of the site need to get to Old Road (which has a vehicle ban except for access) before adequate consistent facilities for pedestrians is provided. The applicant has suggested extending a footway over the side road junction of Tapps Lane but this road serves an disused quarry which houses an element of alternative uses and six houses. It is recommended a junction radii arrangement is used where any side road serves more than 3 dwellings worth of traffic. Such a scheme would therefore not be supported and this leaves a visibility issue for pedestrians crossing the road east of 8 Cherry Tree Drive. There are significant level differences in the bank and there are mature established trees, which means the footways do not link on opposite sides of the C road. They should so tactile paving can be installed opposite each drop crossing point. This will mean the blind and partially sighted are adequately catered for from a safety perspective. Pedestrians wishing to cross the road heading north have restricted visibility looking to the north to gauge whether to cross the road due to the existence of the high hedge/bank. Drivers using the the road have restricted Forward Sight Stopping Distance looking onto the western crossing point to see footway users crossing the road also.

The second more fundamental location is on Red Lion Hill to the east of Park Hill Cottage. It is evident from site observations and after looking at Highway Maintainable at Public Expense records that the road has no footways and the carriageway is restricted in width to 4.2m. There is a 2m high privately owned stone wall on one side of the carriageway and a privately owned rock bank on the other side of the carriageway. In order to accommodate a footway safely it is considered in theory the absolute minimum width of carriageway needed would be 5.2m so a 1.2m (absolute minimum width) footway could be accommodated safely in this location. This would leave a 4.0m carriageway against a 2 metre wall and a footway.

The submitted scheme proposals are 1m short of this width and therefore should fail a safety audit. In England legally unaccompanied vehicles can be as wide as 2.55m. The submitted proposals would leave 0.45m (0.225m either side) for drivers to avoid a kerb on one side of the road and a 2m wall on the other side. The Highway Authority considers the proposed road width is far too narrow and conflicts and damage to the wall will occur if such a scheme is approved. Also it is likely that as drivers would be on the wrong side of the road travelling north limited forward visibility would mean conflicts with north and south bound traffic are likely to occur.

The Highway Authority considers the whole scheme is still inappropriate and will in fact introduce additional road safety issues onto a road which currently carries around 3000 - 4000 vehicles per day. The traffic levels on the C4 road are predicted to rise to around 8000 - 10,000 vehicles per day once Sherford is built. It should be known that figure is based on an assumption in the Sherford Transport Assessment that the modal split will be 38% drivers and the rest of the site users will either get on the bus, cycle or walk. The development traffic also needs to be added to that figure, which is likely to be around 250 - 300 two way daily trips. With traffic expected in the regions of what has been quoted, it is considered totally inappropriate to force the most vulnerable of road users generated from the site to use a road with no footway.

The Transport Assessment writer has implied that as Sherford will not be near completion in five years from completion then these future road safety issues should be dismissed. The Highway Authority completely disagrees with this stance and would suggest that as the development has permission it is committed development and has started to be built. Devon County Council Education statistics suggests that a family dwelling of two bedrooms plus are likely to house 0.25 primary school pupils per dwelling (on average). Therefore when applying this evidence, the site will likely house 13 primary school pupils. Most of which will need to attend the primary school in the village. (The primary school is located at Elliots Hill on the southern side of the A379). Assuming some of the parents will need to walk to the school and some of the attending children are likely to have siblings that may be in a pram the only viable route would be use of the Stamps Hill / Red Lion Hill. Using same criteria but 0.15 pupils per dwelling the site is likely to generate 8 secondary school pupils who will need to reach a bus stop.

In conclusion there are still issues with the design and until these issues are proven to be mitigated appropriately the Highway Authority maintains the following objections.

1. The proposed development is likely to generate an increase in pedestrian traffic on a highway lacking adequate footways with consequent additional danger to all users of the road contrary to paragraph 32 of the National Planning Policy Framework.

2. The proposed development would be likely to result in a junction which does not provide adequate visibility from and of emerging vehicles, contrary to paragraph 32 of the National Planning Policy Framework.

Paragraph 32 of the NPPF states that decisions should take account of whether safe and suitable access to the site can be achieved for all people.

Policy DP7 of the LDF states that development should

a. provide priority to cyclists and users of public transport, over the private car. This will be achieved, in part, through the creation of links between new development and existing pedestrian, cyclist and public transport networks;

b. provide for safe, easy and direct movement for those with mobility difficulties;

c. have safe and adequate means of access, egress and internal circulation/turning arrangements for all modes of transport relevant to the proposal;

d. not materially impair highway safety or traffic movement; and

e. not detract or conflict with the transport function of the road.

Policy DEV31 of the emerging JLP states that development, where appropriate, should:

- 1. Consider the impact of development on the wider transport network.*
- 2. Provide safe and satisfactory traffic movement and vehicular access to and within the site.*
- 3. Ensure sufficient provision and management of car parking in order to protect the amenity of surrounding residential areas and ensure safety of the highway network.*
- 4. Limit / control the overall level of car parking provision at employment, retail and other destination locations.*
- 5. Provide for high quality, safe and convenient facilities for walking, cycling, public transport and zero emission vehicles.*
- 6. Mitigate the environmental impacts of transport including air quality and noise pollution.*
- 7. Incorporate travel planning, including Personalised Travel Planning (PTP), which helps to maximise the use of sustainable transport in relation to the travel demands generated by the development and limit the impact of the development on the road network.*
- 8. Ensure that access and infrastructure delivered as part of the development meets the need for walking, cycling and public transport connectivity both within the development and in the wider area alongside supporting place-shaping objectives.*
- 9. Contribute to meeting the wider strategic transport infrastructure needs generated by the cumulative impact of development in the area.*
- 10. Locate new homes in locations that can enable safe, secure walking, cycling and public transport access to local services and amenities.*

The failure to provide safe pedestrian access for all users, from the site into the facilities within the village, is contrary to the NPPF, the adopted LDF and the emerging JLP. This weighs against the development.

Planning Balance

Whilst this authority can demonstrate a robust 5 year housing land supply based on the evidence base of the emerging JLP, its adopted policies for the supply of housing are out of

date as the adopted development plan makes provision only up to 2016. As such it is relevant to consider this application in the context of paragraph 14 of the NPPF.

Paragraph 14 of the NPPF sets out a presumption in favour of sustainable development subject to two criteria, the first being that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole:

Benefits of the development:

- Provision of 64 new dwellings within the District
- Provision of 32 new affordable homes within the District
- Economic benefit to the local economy during construction
- Economic benefit to the local economy through added spending and use of facilities by new residents.

Significant adverse impacts of the development:

- Adverse impact on the social wellbeing and character of the village of Brixton as a consequence of unplanned, cumulative, large scale, new development within a short time frame and where there is no local need for further housing.
- The proposed development is likely to generate an increase in pedestrian traffic on a highway lacking adequate footways with consequent additional danger to all users of the road.
- The proposed development proposes the use of materials which will adversely impact on the character and visual amenity of the area
- There is potential conflict with the local composting facility which could have adverse impacts on health and/or adverse economic impacts on the composting facility.

The second criteria is that planning permission should be granted unless specific policies in the NPPF indicate development should be restricted. As established in the Supreme Court ruling in the case of Suffolk Coastal, such restrictions can include development plan policies. Adopted LDF policy CS1 and emerging JLP policy TTV31 seeks to restrict unsustainable development in the countryside which should only be allowed in response to small scale, local need. There is no identified local need for further housing within the emerging plan period and the proposed development is not small scale.

As such the development proposal fails the tests of paragraph 14 of the NPPF; it is not sustainable development and the adverse impacts of the development significantly outweigh any benefits. The proposed is contrary to NPPF, adopted and emerging development plan policies; it is recommended that planning permission be refused.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004

Planning Policy

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The relevant development plan policies are set out below:

South Hams LDF Core Strategy

CS1 Location of Development

CS7 Design

CS9 Landscape and Historic Environment

CS10 Nature Conservation

CS11 Climate Change

Development Policies DPD

DP1 High Quality Design

DP2 Landscape Character

DP3 Residential Amenity

DP4 Sustainable Construction

DP5 Conservation and Wildlife

DP6 Historic Environment

DP7 Transport, Access & Parking

DP15 Development in the Countryside

Emerging Joint Local Plan

The Plymouth and South West Devon Joint Local Plan (the JLP) will replace the above as the statutory development plan once it is formally adopted.

Annex 1 of the National Planning Policy Framework (the Framework) provides guidance on determining the weight in relation to existing and emerging development plan policies.

- For current development plan documents, due weight should be given to relevant policies according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- For the JLP, which is an emerging development plan, the weight is to be determined by the stage of its preparation, the extent to which there are unresolved objections, and its degree of consistency with the Framework.

The JLP is at an advanced stage of preparation. The precise weight to be given to policies within the JLP will need to be determined on a case by case basis, having regard to all of the material considerations as set out on the analysis above.

PLYMOUTH AND SOUTH WEST DEVON JOINT LOCAL PLAN

SPT1 Delivering sustainable development

SPT2 Sustainable linked neighbourhoods and sustainable rural communities

SPT3 Provision for new homes

SPT9 Strategic principles for transport planning and strategy

SPT10 Balanced transport strategy for growth and healthy and sustainable communities
SPT11 Strategic approach to the natural environment
SPT13 European Protected Sites – mitigation of recreational impacts from development
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
TTV30 Empowering local residents to create strong and sustainable communities
TTV31 Development in the Countryside
DEV1 Protecting amenity and the environment
DEV2 Air, water, soil, noise and land
DEV3 Sport and recreation
DEV4 Playing pitches
DEV5 Community food growing and allotments
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area
DEV9 Accessible housing
DEV10 Delivering high quality housing
DEV20 Place shaping and the quality of the built environment
DEV21 Conserving the historic environment
DEV22 Development affecting the historic environment
DEV24 Landscape character
DEV27 Nationally protected landscapes
DEV28 Protecting and enhancing biodiversity and geological conservation
DEV29 Green and play spaces (including Strategic Green Spaces, Local Green Spaces and undesignated green spaces)
DEV30 Trees, woodlands and hedgerows
DEV31 Specific provisions relating to transport
DEV32 Meeting the community infrastructure needs of new homes
DEV33 Waste management
DEV34 Delivering low carbon development
DEV35 Renewable and low carbon energy (including heat)
DEV37 Managing flood risk and Water Quality Impacts

Considerations under Human Rights Act 1998 and Equalities Act 2010

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

The above report has been checked and the plan numbers are correct in APP and the officer's report. As Senior Officer I hereby clear this report and the decision can now be issued.

Name and signature: Wendy Ormsby

Date: 16 August 2017

Chairman of Planning Committee - Cllr Steer

Date cleared – 16/08/2017

Comments made – Happy to delegate refusal for this application

Ward Member - Cllr Brown

Date cleared - 16/08/2017

Comments made - Happy to grant authority on this application

Ward Member – Cllr Cane

Date cleared

Comments made - declared an interest so was not consulted.